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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,983	11/13/2003	Curtis Lee Carrender	E-1879 (130105.422)	7339
36/977 7590 11/03/2008 SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVENUE, SUITE 5400 SEATTLE, WA 98104-7092				
EXAMINER				
ADE, OGER GARCIA				
ART UNIT		PAPER NUMBER		
3687				
MAIL DATE		DELIVERY MODE		
11/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/712,983

Applicant(s)

CARRENDER ET AL.

Examiner

GARCIA ADE

Art Unit

3687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/ISD)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 4/26/2004

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claim 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Issacman et al. [US 6,127,928], and further in view of Streetman [US 2004/0054570 A1].

As per claims 1-5, and 8-15, Issacman discloses a device for use in the delivery of articles [see filed of the invention (e.g. **devices and methods for**

locating and tracking)), comprising: a passive electromagnetic transponder formed on a flexible substrate and configured to store and reflect information [as illustrated in figure 4, read as: Desktop exciter 26 may be coupled to optical scanner 27, which **reads/captures alpha numerical/bar code and/or RFID information**, which may be, for example, associatively **stored in a database**].

Issacman does not explicitly disclose storing information regarding at least delivery cost and routing information. However, Streetman discloses a logistics planning information system that store information regarding delivery cost [see paragraph 30, via computer network 120], and a computer system having one or more user interfaces is provided to interact with a routing data consolidator and a routing engine [see abstract].

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Issacman to include Streetman system for storing information regarding delivery cost and routing information. Such a modification would provide a system and method for consolidating necessary delivery and routing information and generating one or more logistics plans for each delivery [see summary of the invention].

As per claims 6 and 7, Issacman discloses a plurality of transceivers [as illustrated in figure 2], one encoding device configured to code the at least one label with information [as illustrated in figure 4, read as: Desktop exciter 26 may be coupled to optical scanner 27, which **reads/captures alpha numerical/bar code and/or RFID information**, which may be, for example, associatively **stored in a database**]. Issacman does not explicitly disclose a predetermined

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routing device, a delivery destination, a delivery date, a delivery route, information regarding a sender, information regarding a receiver, information regarding the deliverable, and information regarding delivery cost. However, Streetman discloses a predetermined routing device [as illustrated in figure 1 (e.g. block 130)], a delivery destination [see paragraph 29 (e.g. **shipping destinations or delivery locations**)], a delivery date [see paragraph 31 (e.g. **delivery date criteria**)], a delivery route [see paragraphs 19 and 25], information regarding a sender, information regarding a receiver, information regarding the deliverable [see paragraph 35, via **database 118, database consolidator 112, and database 118** of figure 1], and information regarding delivery cost [see paragraph 30, **via computer network 120**].

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Issacman to include Streetman features mentioned above. Such a modification would provide a system and method for consolidating necessary delivery and routing information and generating one or more logistics plans for each delivery [see summary of the invention].

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The PTO 1449 form has been reviewed and considered.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GARCIA ADE whose telephone number is (571)272-5586. The examiner can normally be reached on M-F 8:30AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571.272.3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Garcia Ade
Examiner
Art Unit 3687

/Vanel Frenel/
Primary Examiner, Art Unit 3687

May 10, 2008